

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

In re: \_\_\_\_\_ ) Chapter 11  
 )  
EASTERN LIVESTOCK CO., LLC, \_\_\_\_\_ ) Case No. 10-93904-BHL-11  
 )  
Debtor. \_\_\_\_\_ )

---

**TRUSTEE'S MOTION TO STAY DEADLINES  
IN COFFEYVILLE CONTESTED MATTER**

James A. Knauer ("Trustee") respectfully requests that the Court stay the remaining deadlines set forth in the *Order Granting Agreed Motion to Extend Deadlines in Scheduling Order Regarding Contested Matter Involving Coffeyville's Reserved Objections to Trustee's Purchase Money Claims Report* (Doc. No. 953) (the "Scheduling Order") and states the following in support:

1. This contested matter between the Trustee and creditor Coffeyville Livestock Market ("Coffeyville") involves the same legal issues that have been raised in other adversary proceedings and contested matters pending under the umbrella of Eastern Livestock's bankruptcy. More specifically, Coffeyville's objection to the Trustee's purchase money claims report is premised entirely on a theory of constructive trust.

2. In ruling on the constructive trust issue in the "Texas Interpleader," the Court granted the Trustee's summary judgment motion "foreclosing claims based on the proposition that any unpaid seller of cattle has a constructive trust or similar equitable interest derived from common law." *Order on Trustee's Motion for Partial Summary Judgment* (the "Constructive Trust Order") p. 2, Doc. No. 379, AP No. 11-59093. The Court indicated this ruling also applied to another contested matter in Eastern's bankruptcy in which this issue had been briefed and also issued an order in the "Downs adversary proceeding" on the same grounds.

*See id.* at p.2 n.2; *see also Order on Trustee's Motion for Partial Summary Judgment*, Doc. No. 59, AP No. 11-59086.

3. The Trustee believes that the reasoning in the Constructive Trust Order applies with equal force to the instant dispute and effectively disposes of Coffeyville's objection to the purchase money claims report. Accordingly, the Trustee has requested that Coffeyville withdraw its objection.

4. In the event Coffeyville does not withdraw its objection by Friday, March 9, 2012, the Trustee intends to move formally for summary judgment requesting that the Court enter an order with respect to this contested matter expressly adopting its reasoning from the Constructive Trust Order.

5. Currently, the Scheduling Order establishes a March 5, 2012, deadline by which the Parties shall file with the Court a stipulation of material facts not in dispute and a notice identifying their suggested fact and legal issues to be decided by the Court and a March 30, 2012, dispositive motion deadline. No trial or hearing date has been set.

6. The Trustee seeks to stay these remaining deadlines set forth in the Scheduling Order to permit either Coffeyville to withdraw its objection or the Trustee to file a dispositive motion, as described above.

WHEREFORE, the Trustee respectfully requests that the Court enter an order staying the deadlines contained in the Scheduling Order and granting all other appropriate relief.

FAEGRE BAKER DANIELS LLP

By: /s/ Kevin M. Toner

Kevin M. Toner (11343-49)  
Harmony Mappes (27237-49)  
Dustin R. DeNeal (27535-49)  
300 N. Meridian Street, Suite 2700  
Indianapolis, IN 46204-1782  
Telephone: (317) 237-0300  
[kevin.toner@faegrebd.com](mailto:kevin.toner@faegrebd.com)  
[harmony.mappes@faegrebd.com](mailto:harmony.mappes@faegrebd.com)  
[dustin.deneal@faegrebd.com](mailto:dustin.deneal@faegrebd.com)

*Counsel for James Knauer, as Chapter 11 Trustee  
for Eastern Livestock Co., LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 5, 2012, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

David L. Abt <a href="mailto:davidabt@mwt.net">davidabt@mwt.net</a>	C. R. Bowles, Jr <a href="mailto:cbowles@bgdlegal.com">cbowles@bgdlegal.com</a>	John Hunt Lovell <a href="mailto:john@lovell-law.net">john@lovell-law.net</a>
Mark A. Robinson <a href="mailto:mrobinson@vhrlaw.com">mrobinson@vhrlaw.com</a>	Jeffrey R. Erler <a href="mailto:jeffe@bellnunnally.com">jeffe@bellnunnally.com</a>	Edward M King <a href="mailto:tking@fbtlaw.com">tking@fbtlaw.com</a>
Randall D. LaTour <a href="mailto:rdlatour@vorys.com">rdlatour@vorys.com</a>	John R. Carr, III <a href="mailto:jrciii@acs-law.com">jrciii@acs-law.com</a>	Bret S. Clement <a href="mailto:bclement@acs-law.com">bclement@acs-law.com</a>
Daniel J. Donnellon <a href="mailto:ddonnellan@fclaw.com">ddonnellan@fclaw.com</a>	Stephen A. Weigand <a href="mailto:sweigand@fclaw.com">sweigand@fclaw.com</a>	John Frederick Massouh <a href="mailto:john.massouh@sprouselaw.com">john.massouh@sprouselaw.com</a>
John W. Ames <a href="mailto:james@bgdlegal.com">james@bgdlegal.com</a>	Robert Hughes Foree <a href="mailto:robertforee@bellsouth.net">robertforee@bellsouth.net</a>	Kim Martin Lewis <a href="mailto:kim.lewis@dinslaw.com">kim.lewis@dinslaw.com</a>
Jeremy S Rogers <a href="mailto:Jeremy.Rogers@dinslaw.com">Jeremy.Rogers@dinslaw.com</a>	Ivana B. Shallcross <a href="mailto:ishallcross@bgdlegal.com">ishallcross@bgdlegal.com</a>	Deborah Caruso <a href="mailto:dcaruso@daleeke.com">dcaruso@daleeke.com</a>
Meredith R. Thomas <a href="mailto:mthomas@daleeke.com">mthomas@daleeke.com</a>	William Robert Meyer, II <a href="mailto:rmeyer@stites.com">rmeyer@stites.com</a>	Allen Morris <a href="mailto:amorris@stites.com">amorris@stites.com</a>
Charles R. Wharton <a href="mailto:Charles.R.Wharton@usdoj.gov">Charles.R.Wharton@usdoj.gov</a>	James Bryan Johnston <a href="mailto:bjtexas59@hotmail.com">bjtexas59@hotmail.com</a>	James T. Young <a href="mailto:james@rubin-levin.net">james@rubin-levin.net</a>
David L. LeBas <a href="mailto:dlebas@namanhowell.com">dlebas@namanhowell.com</a>	Judy Hamilton Morse <a href="mailto:judy.morse@crowedunlevy.com">judy.morse@crowedunlevy.com</a>	John M. Thompson <a href="mailto:john.thompson@crowedunlevy.com">john.thompson@crowedunlevy.com</a>
Jessica E. Yates <a href="mailto:jyates@swlaw.com">jyates@swlaw.com</a>	John Huffaker <a href="mailto:john.huffaker@sprouselaw.com">john.huffaker@sprouselaw.com</a>	Matthew J. Ochs <a href="mailto:matt.ochs@moyewhite.com">matt.ochs@moyewhite.com</a>
Laura Day Delcotto <a href="mailto:ldelcotto@dlgfirm.com">ldelcotto@dlgfirm.com</a>	Kelly Greene McConnell <a href="mailto:lisahughes@givenspursley.com">lisahughes@givenspursley.com</a>	T. Kent Barber <a href="mailto:kbarber@dlgfirm.com">kbarber@dlgfirm.com</a>
Ross A. Plourde <a href="mailto:ross.plourde@mcafeetaft.com">ross.plourde@mcafeetaft.com</a>	Walter Scott Newbern <a href="mailto:wsnewbern@msn.com">wsnewbern@msn.com</a>	Kirk Crutcher <a href="mailto:kcrutcher@mcs-law.com">kcrutcher@mcs-law.com</a>
Todd J. Johnston <a href="mailto:tjohnston@mcjlp.com">tjohnston@mcjlp.com</a>	Timothy T. Pridmore <a href="mailto:tpridmore@mcjlp.com">tpridmore@mcjlp.com</a>	Theodore A Konstantinopoulos <a href="mailto:ndohbky@jbandr.com">ndohbky@jbandr.com</a>

Karen L. Lobring lobring@msn.com	Sandra D. Freeburger sfreeburger@dsf-atty.com	Lisa Koch Bryant courtmail@fbhllaw.net
Elliott D. Levin edl@rubin-levin.net	John M. Rogers johnr@rubin-levin.net	John David Hoover jhoover@hooverhull.com
Sean T. White swwhite@hooverhull.com	Robert H. Foree robertforee@bellsouth.net	Sarah Stites Fanzini sfanzini@hopperblackwell.com
Michael W. McClain mike@kentuckytrial.com	William E Smith wsmith@k-glaw.com	Susan K. Roberts skr@stuartlaw.com
James Edwin McGhee mcghee@derbycitylaw.com	Thomas C Scherer tscherer@binghamchale.com	David A. Laird david.laird@moyewhite.com
Jerald I. Ancel jancel@taftlaw.com	Jeffrey J. Graham jgraham@taftlaw.com	Trevor L. Earl tearl@rwsvlaw.com
David Alan Domina dad@dominalaw.com	Kent A Britt kabritt@vorys.com	Joshua N. Stine jnstine@vorys.com
Jill Zengler Julian Jill.Julian@usdoj.gov	Jeffrey L Hunter jeff.hunter@usdoj.gov	Amelia Martin Adams aadams@dlgfirm.com
Michael Wayne Oyler moyer@rwsvlaw.com	Jason W. Cottrell jwc@stuartlaw.com	Robert A. Bell rabell@vorys.com
James E. Rossow jim@rubin-levin.net	James B. Lind jblind@vorys.com	Melissa S. Giberson msgiberson@vorys.com
Steven A. Brehm sbrehm@bgdlegal.com	Anthony G. Raluy traluy@fbhllaw.net	Christopher E. Baker cbaker@hklawfirm.com
James M. Carr james.carr@faegrebd.com	Jack S. Dawson jdawson@millerdollarhide.com	Dustin R. DeNeal dustin.deneal@faegrebd.com
Shawna M. Eikenberry shawna.eikenberry@faegrebd.com	Terry E. Hall terry.hall@faegrebd.com	Jay Jaffe jay.jaffe@faegrebd.com
James A. Knauer jak@kgrlaw.com	Erick P. Knoblock eknoblock@daleeke.com	Harmony A. Mappes harmony.mappes@faegrebd.com
Christie A. Moore cmoore@bgdlegal.com	Shiv Ghuman O'Neill shiv.oneill@faegrebd.com	Wendy W. Ponader wendy.ponader@faegrebd.com
Jeffrey E. Ramsey jramsey@hopperblackwell.com	Eric C. Redman ksmith@redmanludwig.com	Joe T. Roberts jratty@windstream.net
Joseph H. Rogers jrogers@millerdollarhide.com	James E. Smith jsmith@smithakins.com	Robert K. Stanley robert.stanley@faegrebd.com
Andrew D. Stosberg astosberg@lloydmc.com	Kevin M. Toner kevin.toner@faegrebd.com	U.S. Trustee ustpregion10.in.ecf@usdoj.gov
Andrea L. Wasson andreawassonatty@gmail.com	Christopher M. Trapp ctrapp@rubin-levin.net	Eric W. Richardson ewrichardson@vorys.com

I further certify that on March 5, 2012, a copy of the foregoing pleading was served via electronic mail transmission on the following:

Ashley S. Rusher  
asr@blancolaw.com

Darla J. Gabbitas  
darla.gabbitas@moyewhite.com

/s/Kevin M. Toner